

DECLARATION AND POWER OF ATTORNEY
FOR A PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SLIDE ACTION VETERINARY IMPLANTER, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a). (Under Sec. 1.56(a) information is material to patentability when it is not cumulative to information already of record before the Patent and Trademark Office with respect to the present application and it establishes either by itself or in combination with other information a prima facie case of unpatentability of a claim or it refutes or is inconsistent with a position taken in opposing an argument of unpatentability relied upon by the Patent and Trademark Office or in asserting an argument of patentability. Under this section a prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence,

burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.)

I hereby state that I do not know and do not believe that the invention was ever known or used in the United States of America before my invention thereof; that to the best of my knowledge and belief the invention has not been in public use or on sale in the United States of America more than one year prior to this application, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, or patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

5 I hereby appoint Malcolm A. Litman, Reg. No. 19,579; Gerald M. Kraai, Reg. No. 34,854; John C. McMahon, Reg. No. 29,415; Mark E. Brown, Reg. No. 30,361 and Kent R. Erickson, Reg. No. 36,793, all members of the bar of the State of Missouri, whose

postal address is Litman, McMahon & Brown, 1200 Main Street,
Suite 1600, Kansas City, Missouri 64105, telephone (816) 842-1590, as my attorneys, with full power of substitution, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith in my behalf.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

100
Date: Dec 29, 1994

C. Louis Grimm
C. Louis Grimm

Residence: Shawnee, Kansas 66216 KS

Post Office
Address: 6402 Pflumm Road, Shawnee, Kansas 66216
6042 SHAWNEE

Citizenship: United States of America



VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
BY SMALL BUSINESS CONCERN

Applicant: C. Louis Grimm

Serial No.:

Filed:

For: SLIDE ACTION VETERINARY IMPLANTER

I hereby declare that I am an official of a small business concern and am empowered to act on behalf of the concern identified below:

Name of Concern: Ivy Laboratories, Inc.
Address of Concern: 8857 Bond Street
Overland Park, Kansas 66214

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. (For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.)

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the above-identified small business concern, or if the rights are not exclusive, then on information and belief, all other rights belong to the following entities, which also on information and belief are small entities as defined in 37 C.F.R. 1.9:

NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

12/29/94
Date

C. Dennis Grimm Vice President
Signature Title

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
BY INVENTOR

Applicant: C. Louis Grimm

Serial No.:

Filed:

For: SLIDE ACTION VETERINARY IMPLANTER

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above-entitled invention described in:

the specification filed herewith.
 application Serial No. _____, filed _____.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who, upon knowledge and belief, could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

Name of Concern:	Ivy Laboratories, Inc.
Address of Concern:	8857 Bond Street Overland Park, Kansas 66214

I acknowledge my duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

12/29/94
Date

C. Louis Grimm
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